

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No.: 0:23-cv-61354-kmm

PROGRESSIVE EXPRESS INSURANCE
COMPANY,

Plaintiff,

vs.

RASIER-DC, LLC A FOREIGN
LIMITED LIABILITY COMPANY;
UBER TECHNOLOGIES, INC., A
FOREIGN CORPORATION; AND
KARINA MONASTERIO,
INDIVIDUALLY,

Defendants.

_____/

**DEFENDANTS UBER TECHNOLOGIES, INC. AND RASIER-DC, LLC'S
NOTICE OF JOINDER AND ADOPTION OF PROGRESSIVE EXPRESS INSURANCE
COMPANY'S MOTION TO FOR SUMMARY JUDGMENT AND REQUEST FOR
DISMISSAL OF PLAINTIFF MONASTERIO'S COUNTERCLAIM**

Defendants Uber Technologies, Inc. ("Uber") and Rasier-DC, LLC ("Rasier") (collectively "Defendants"), respectfully join in and adopt Defendant Progressive Express Insurance Company's ("Progressive") Motion for Summary Judgment and bearing service date January 25, 2024 [D.E. 30], and state as follows:

Karina Monasterio sought uninsured/underinsured motorist coverage ("UM/UIM coverage") to cover her injuries resulting from the May 6, 2022 accident involving nonparty Michael Israel, who upon information and belief, was determined to be at fault. As a result, Progressive Express Insurance Company filed the instant action on July 17, 2024, seeking declaratory judgment that the at-issue policy does not provide UM/UIM coverage and that such

benefits are not available in connection with any of the claims arising from the May 6, 2022 incident, *inter alia*. [See D.E. 1, 12; Complaint, Amended Complaint]

On January 25, 2024, Progressive filed a Motion for Summary Judgment and Dismissal of Monasterio's counterclaim. Defendants Uber and Rasier adopt, join and incorporate as if fully set forth herein, the arguments and legal authority advanced by Progressive including the request for a declaration that:

- (i) Florida's TNC Statute, Fla. Stat. § 627.748 did not preclude an insured from rejecting or an insurer from providing UM/UIM coverage;
- (ii) the insurance policy issued by Progressive did not provide UM/UIM coverage;
- (iii) the insurance policy issued by Progressive did not insure a specifically identifiable automobile, generally or that operated by Monasterio;
- (iv) the insureds rejected UM/UIM coverage;
- (v) the statutory obligations under either Fla. Stat. § 627.727(1) were satisfied; and, therefore,
- (vi) the insurance policy issued by Progressive does not provide UM/UIM coverage for the claims presented by Monasterio in connection with or arising from her May 6, 2022 incident or her previously filed lawsuit.

Defendants Uber and Rasier certify that they have no opposition with positions raised in Progressive's Motion for Summary Judgment.

CONCLUSION

WHEREFORE, Defendants, Uber and Rasier, hereby join in Defendant Progressive's Motion for Summary Judgment and respectfully request an order: (i) granting Progressive's Motion with respect to its declaratory judgment; (ii) dismissing all claims asserted against Uber and Rasier in connection with Monasterio's counterclaim in their entirety and with prejudice; and/or (iii) for whatever other relief this Court deems just and proper.

Dated: January 25, 2023

Respectfully submitted,

/s/ Veresa Jones Adams

VERESA JONES ADAMS, ESQ.

Florida Bar No.0709301

ROIG LAWYERS

1245 S. Military Trail, Suite 100

Deerfield Beach, FL 33442

Telephone: (954) 246-5385

Facsimile: (954) 462-7798

Pleadings@RoigLawyers.com

Attorneys for Uber Technologies, Inc. and Raiser-DC, LLC

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing has been furnished electronically on this 25th day of January 2023, with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notice of Electronic Filing generated by CM/ECF.

/s/ Veresa Jones Adams

VERESA JONES ADAMS, ESQ.

Service List

Patrick K. Dahl, Esq.
Morgan & Akins
501 E. Las Olas Blvd., Suite 300
Fort Lauderdale, FL 33301
pdahl@morganakins.com
Attorney for Progressive Express Insurance Company

Javier Basneuvo, Esq.
Fornaris Law Firm, P.A.
65 Almeria Avenue
Coral Gables, FL 33134
basnuevo@robertspa.com
Attorney for Karina Monasterio